

REMARKS

The description of each of each of figures 1, 6 and 14 in the specification has been amended order to conform to current Patent Office practice requiring reference to the lettered subpart of the formal drawings, and to make such references consistent within the specification. None of the above-made amendments introduces new matter.

Claims 71-76, 78-83, 85-86 and 88-148 are pending in this application. Claim 83 and 99 have been amended to correct claim informalities. Claims 76, 83, and 86 have been amended to delete the language "immobilized on a solid surface". No new matter has been added.

The claims, as amended herein, are generally directed to monoclonal antibodies that recognize the 8F4 polypeptide (*i.e.*, any epitope of the 8F4 polypeptide, which polypeptide is recognized by the antibody deposited with the DSMZ and assigned accession no. DSM ACC2539), hybridomas producing such antibodies, methods of making the antibodies, and pharmaceutical compositions comprising the antibodies. In specific embodiments (*e.g.*, claims 71 and 78), the antibodies, in conjunction with the anti-CD3 monoclonal antibody OKT3, costimulate proliferation of human T lymphocytes. In other embodiments (*e.g.*, claims 76 and 83), the antibodies are capable of inhibiting a biological activity of the 8F4 polypeptide and, at least under certain conditions, for example *in vitro* and when cross-linked using a secondary antibody on a solid surface and in conjunction with the anti-CD3 antibody OKT3, costimulate proliferation of human T lymphocytes.

Interview Summary Record

Applicant and Applicant's representatives thank Examiner Jessica Roark for the courtesy of the recent telephonic interview in connection with the above-identified application. Pursuant to 37 C.F.R. § 1.133 and M.P.E.P. 713.04, Applicant presents this interview Summary Record of the interview of December 30, 2002 ("the Interview") between Examiner Jessica Roark and Applicant's representatives, Nikoloas C. George and Muna Abu-Shaar, in connection with the above-referenced application. During the Interview, potential amendments that would obviate the outstanding rejection of claims 76, 83, and 86 and claims dependent thereon under 35 U.S.C. § 112, first paragraph, for lack of written description, were discussed. In particular, Examiner Roark noted that deletion of the

language "immobilized on a solid surface" from claims 76, 83, and 86 would obviate the rejection.

Claim Objections

The Examiner has objected to claims 83 and 99 because of claim informalities. With respect to claim 83, the Examiner notes that the recitation of "wherein hybridoma produces" should instead read "wherein the hybridoma produces." With respect to claim 99, the Examiner notes that the recitation of "Hybridoma cell line" should instead read "A hybridoma cell line."

Applicant has amended claims 83 and 99 pursuant to the Examiner's suggestions. Accordingly, Applicant respectfully requests that the objections to claims 83 and 99 have been obviated and should be withdrawn.

The Rejections under 35 U.S.C. § 112, First Paragraph, for Lack of Written Description, Should Be Withdrawn

Claims 76, 83, 86, 88-96, 101-124, 129-132, 137-140 and 145-148 are rejected under 35 U.S.C. § 112, first paragraph, allegedly as containing subject matter that was not described in the specification in such a way as to reasonably convey that Applicant had possession of the claimed invention at the time of filing the application.

Without agreeing with the Examiner in any way, and merely to expedite prosecution, Applicant has amended claims 76, 83 and 86, and 88-96, 101-124, 129-132, 137-140 and 145-148 dependent thereon, to remove the phrase "immobilized on a solid surface". The specification on page 10, lines 6-10 and on page 15, lines 14-20 conveys to one skilled in the art that Applicant contemplated a monoclonal antibody that recognizes an 8F4 polypeptide, inhibits the biological activity of the 8F4 polypeptide and, at least under certain conditions, for example *in vitro*, when cross-linked, using a secondary antibody, on a solid surface with the anti-CD3 antibody OKT3, costimulates proliferation of human T lymphocytes.

In view of the foregoing amendments and remarks, Applicant submits that the rejection under 35 U.S.C. § 112, first paragraph, for lack of written description, has been obviated and should be withdrawn.

CONCLUSION

Entry of the amendments and remarks made herein is respectfully requested.
Applicant believes that the amendment made herein place the claims in form for allowance.
If any issues remain, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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